

WALETZKO v. CAPITAL ONE, ET AL.

JOSEPHINE WALETZKO
2/15/2016

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

JOSEPHINE WALETZKO,
Plaintiff,

-vs-

Case No. 15-CV-317

CAPITAL ONE, N.A. f/k/a
HSBC BANK; FD HOLDINGS, LLC
a/k/a KROLL FACTUAL DATA, INC.;
CORELOGIC CREDCO, LLC;
EQUIFAX MORTGAGE SOLUTIONS, LLC;
LEXISNEXIS RISK SOLUTIONS, INC.,

Defendants.

* * * * *

VIDEO DEPOSITION OF JOSEPHINE WALETZKO
TAKEN ON THE 15TH DAY OF FEBRUARY, 2016

AT NORTHWESTERN COURT REPORTERS

EAU CLAIRE, WISCONSIN

9:26 A.M.

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APPEARANCES:

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NATHAN DELADURANTEY and HEIDI N. MILLER, of the
DELADURANTEY LAW OFFICE, LLC, 735 West Wisconsin Avenue,
Suite 720, Milwaukee, Wisconsin 53233, appeared representing
the Plaintiff.

MATTHEW STROMQUIST, of the firm of PILGRIM CHRISTAKIS,
LLP, 321 North Clark Street, 26th Floor, Chicago, Illinois
60654, appeared representing the Defendant, Capital One, N.A.
f/k/a HSBC Bank.

MEAGAN ANNE MIHALKO, of the firm of TROUTMAN SANDERS,
LLP, Troutman Sanders Building, 1001 Haxall Point, Richmond,
Virginia 23218, appeared representing the Defendant,
CoreLogic Credco, LLC.

SUSAN E. GROH, of the firm of MCGUIRE WOODS, LLP,
77 West Wacker Drive, Suite 4100, Chicago, Illinois 60601,
appeared via Skype representing the Defendant, LexisNexis
Risk Solutions, Inc.

ALSO PRESENT: Kraig Hildahl, videographer

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* NOTE *

(Original exhibits were attached to original transcript;
copies to transcript copies.)

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1 VIDEO TECHNICIAN: We're on the record. This
2 is the videotaped deposition of Josephine Waletzko
3 taken on February 15th, 2016. The time now is 9:26
4 a.m. This deposition is being taken in the matter
5 of Josephine Waletzko versus Capital One, et al.
6 filed in the U.S. District Court of the Western
7 District of Wisconsin, Case No. 15-CV-317.

8 This deposition is taking place in Eau Claire,
9 Wisconsin. My name is Kraig Hildahl. I'm the
10 videographer representing Northwestern Court
11 Reporters.

12 Will counsel please identify themselves for
13 the record?

14 MR. DELADURANTEY: Attorney Nathan
15 DeLadurantey represents Ms. Waletzko, accompanied
16 by Attorney Heidi Miller.

17 MR. STROMQUIST: My name is Matt Stromquist
18 for the defendant, Capital One.

19 MR. DELADURANTEY: Just lean towards Matt and
20 belt it out.

21 MS. MIHALKO: Meagan Mihalko for defendant,
22 CoreLogic Credco, LLC.

23 MS. GROH: And Susan Groh, G-r-o-h, on behalf
24 of LexisNexis.

25 VIDEO TECHNICIAN: Will the court reporter

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1 **Q Have you had any direct personal contact with anyone at**
2 **Capital One?**

3 **A No, not that I remember.**

4 **Q Okay. Can you understand at all why Capital One would**
5 **want verification that, in fact, you are alive and not**
6 **deceased as you had been reported for a number of years?**

7 MR. DELADURANTEY: I'm going to --

8 **Q (By Mr. Stromquist, continuing) Does that make sense to**
9 **you?**

10 MR. DELADURANTEY: I'm going to object. Calls
11 for speculation, facts not in evidence, testimony
12 outside of my witness's actual knowledge.

13 If you're asking her to speculate about
14 Capital One's information, which I would note is
15 deemed confidential for some reason under a
16 protective order, you are asking her to speculate,
17 correct?

18 MR. STROMQUIST: I'm just asking her if she
19 has -- if she can understand and appreciate why
20 Capital One would want verification --

21 MR. DELADURANTEY: Well, there's a lack of
22 foundation --

23 MR. STROMQUIST: -- from you that, in fact,
24 you are alive and not deceased.

25 MR. DELADURANTEY: -- there's a lack of

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1 foundation that they requested that.

2 MR. STROMQUIST: Sure. That's fine.

3 Q (By Mr. Stromquist, continuing) You can answer.

4 A I don't know. I wasn't worried about Capital One.

5 That's their problem. They report me as deceased, let
6 them deal with it.

7 Q It was their problem, not yours, right?

8 A Yeah. I don't even know why they even put it down in
9 the first place. There was no death certificate
10 anywhere.

11 Q Okay. But wouldn't it be reasonable for Capital One to
12 want -- to have some kind of actual documentation that
13 you were, in fact, alive; particularly given that the
14 amount of time had passed since 2009 that you were
15 reported as deceased?

16 MR. DELADURANTEY: I'm going to object. That
17 is actually a legal conclusion. As you're well
18 aware, the FCRA leaves it up to a jury to conclude
19 whether or not Capital One's policies are
20 reasonable, not Ms. Waletzko.

21 MR. STROMQUIST: Yeah. I'm wondering if she
22 thought it was reasonable.

23 A I don't know. No. I don't know.

24 Q (By Mr. Stromquist, continuing) But you didn't provide
25 them that verification, correct?

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1 MR. DELADURANTEY: Objection, calls for
2 speculation.

3 A I wouldn't give them nothing. After they did that to
4 me, I wouldn't give them nothing.

5 Q (By Mr. Stromquist, continuing) Thank you.

6 MR. STROMQUIST: I am just about there,
7 Meagan.

8 MR. DELADURANTEY: Just making sure we have
9 Susan on the line. I can't see the screen from
10 here.

11 MR. STROMQUIST: Right. Susan?

12 MS. GROH: Yeah, I'm here.

13 MR. DELADURANTEY: Just given the day, I
14 thought I would just randomly check in. Sorry.

15 MS. GROH: Sure. Yeah. And I'm only having a
16 little trouble hearing you, Nathan.

17 MR. DELADURANTEY: I'll try to -- try to pipe
18 up a little bit.

19 MS. GROH: Sure.

20 (Deposition Exhibit 21 was marked for
21 identification.)

22 MR. STROMQUIST: I only have one copy of
23 these, as well. I apologize.

24 Q (By Mr. Stromquist, continuing) I'm almost done,
25 Ms. Waletzko, with my line of questioning.